

REMARKS

Claims 1-5 are pending in the present application. Claims 1-5 are rejected. Claim 1 is herein amended.

Applicant's Response to Claim Rejections under 35 U.S.C. § 112

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action argues that claim 1 is indefinite because it is unclear whether the control of the air-fuel ratio is started based on the predetermined value of the connected load, or on the detection signal of the oxygen density, or both.

Applicant has amended claim 1 in order to clarify the claimed apparatus. When the electric load connected to a generator is greater than a predetermined value, control of the air-fuel ratio by the mixer is begun. This air-fuel mixture ratio is based on the detection of oxygen density received from the oxygen sensor. Favorable reconsideration is respectfully requested.

Applicant's Response to Claim Rejections under 35 U.S.C. § 103

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kotani et al.** (U.S. Patent No. 6,630,816) in view of **Cheng** (U.S. Patent No. 5,170,622). The Office Action argues that **Kotani et al.** discloses an engine generator apparatus comprising a generator and an oxygen density sensor, and that it does not disclose the engine rotating at a constant speed and starting the oxygen sensor when an electric load is more than a predetermined value. The Office Action also argues that **Cheng** discloses operating the engine generator at a constant speed when used for power generation.

The Office Action further asserts that it would have been obvious to select a minimum load at the level that assures the optimum operating temperature of the oxygen density sensor to start the sensor. The Office Action goes on to state that discovering an optimum value of a result effective variable involves only routine skill in the art, based on *In re Boesch*, 618 F.2d 272, 205 USPQ 215 (CCPA 1980). Thus, the rejection is based on the combination of **Kotani**, **Cheng**, and the application of case law.

However, claim 1 does not claim a load value corresponding to the optimum operating temperature of the oxygen density sensor required to start the sensor. Rather, claim 1 recites an apparatus in which control of the air-fuel ratio based on the detection signal of the oxygen density sensor only starts under a particular condition. This condition is whether the magnitude of the electric load connected to the generator is higher than a predetermined value. In other words, the claim is not directed at a predetermined value, but instead at an apparatus in which the control of the air-fuel mixture begins when the electric load connected to the generator is larger than a predetermined value.

The claims are not directed at the method of selection of the predetermined value of the electric load. Instead, the key feature of the present invention is that the air-fuel ratio control based on the detected value from the oxygen sensor is only executed while the engine is rotating under a larger electric load. In cases such as this, the engine speed is unstable.

Applicants respectfully submit that it would not have been obvious to one having ordinary skill in the art to modify **Kotani** or **Cheng** such that the control of the air-fuel ratio is only implemented when the electric load is higher than a predetermined value. This is the load region where the output of the oxygen sensor is supposed to be stable. Neither **Kotani** nor **Cheng** disclose or suggest this limitation. Thus, the combination of cited prior art does not

Response under 37 C.F.R. §1.111
Attorney Docket No. 042061
Serial No. 10/773,301

disclose the claimed invention, and prima facie obviousness has not been established. Therefore, Applicants respectfully traverse the rejection.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicant's undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Stephen G. Adrian

Attorney for Applicant
Registration No. 32,878

Atty. Docket No. 042061
Customer No.: 38834
1250 Connecticut Avenue NW Suite 700
Washington, D.C. 20036
Tel: (202) 822-1100
Fax: (202) 822-1111
SGA/RBC/ya

Attachment: Abstract of the Disclosure